

**R E M A R K S****Drawings**

It is requested that the Examiner approve the below-noted changes in the above-referenced application.

In FIG. 1A, please replace "DISPLAY DEVICE" with --OUTPUT DEVICE--;  
in Fig. 1A, in the Figure labeled "OUTPUT DEVICE", please replace "134" with --135--;  
in Fig. 1B, in the first block from the left, please replace "108A" with --109A--;  
in Fig. 1B, in the second block from the left, please replace "108B" with --109B--;  
in Fig. 1B, in the third block from the left, please replace "108C" with --109C--;  
in Fig. 1C, in the first block from the left, please replace "140" with --140A--;  
in Fig. 1C, in the second block from the left, please replace "140" with --140B--;  
in Fig. 1C, in the third block from the left, please replace "140" with --140C--;

Please find attached red-lined drawings correcting the above-referenced minor informalities. The above changes, if approved, will be incorporated in formal drawings in due course.

**Specification**

The Specification has been amended to correct typographical errors noted by the Examiner. Applicants wish to clarify that Figure 2A is intended to be different from related Figures 2B-2E and is not an error. Applicants have amended the Cross Reference to Related Applications Section to include U.S. Patent No. 6,138,105 previously noted in the same section as U.S. Patent Application Serial No. 09/085,424.

**Section 112 Claim Rejection**

Claims 2, 9, 11, 13, 15, 17, 19, 22, 28, 30, 33, and 35 stand rejected under 35 USC Section 112. Applicants respectfully traverse the Examiner's rejection of these claims. The

Examiner asserts that the rejected claims are indefinite because it is “unclear what method/process applicant is intending to encompass.” However, the rejected claims explicitly specify the methods that are implemented as computer-executable instructions in the rejected claims. In other words, the Examiner’s assertion that “the claims do not set forth any steps involved in the method/process” is incorrect. The rejected claims set forth the method of the referenced claim. For example, rejected Claim 2 sets forth the steps of referenced Claim 1. Applicants respectfully request withdrawal of the Examiner’s Section 112 rejection.

### **Section 102 Claim Rejection**

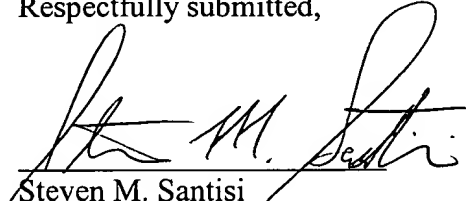
Claims 1 to 118 stand rejected under 35 U.S.C. Section 102 as anticipated by commonly owned U.S. Patent No. 6,138,105 to Walker et al. Applicants have herein amended the present Application to specify that it is a Continuation-In-Part of U.S. Patent No. 6,138,105 and thus, Applicants respectfully request withdrawal of the Examiner’s Section 102 rejection.

**Conclusion**

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Steven M. Santisi at telephone number (203) 461-7054 or via electronic mail at Ssantisi@walkerdigital.com.

Respectfully submitted,

  
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May 13, 2002  
Date

**SPECIFICATION AMENDMENTS****Marked-Up Version**

Please **REPLACE** the first paragraph on page 1 in the section entitled "Cross-Reference to Related Applications" with the following paragraph:

The present application is a Continuation-In-Part [related to the subject matter] of commonly-owned U.S. Patent Application Serial No. 09/085,424, filed May 27, 1998 and entitled "SYSTEM AND METHOD FOR DYNAMIC ASSEMBLY OF PACKAGES IN RETAIL ENVIRONMENTS"[.], which issued as U.S. Patent No. 6,138,105 on October 24, 2000. The entire contents of this Patent [application] are hereby incorporated by reference[.] into the present Application.

Please **REPLACE** the third paragraph on page 11 with the following paragraph:

Customer devices **106A**, **106B** and **106C** may comprise conventional computer systems, kiosks, personal digital assistants (PDAs), or any other device configured with hardware and/or software for communicating with the distributed network **104**. Customer device 106B will now be discussed in detail. It should be understood that customer device 106B may be representative of customer devices 106A and 106C. Customer device 106B comprises a processor 130, which may comprise one or more microprocessors such as such as one or more Pentium® microprocessors. If the processor comprises a plurality of microprocessors, the plurality of microprocessors may or may not operate in parallel. The processor 130 is in communication with data storage device 134, which stores various application program modules, such as an operating system (OS) **131** and a "browser" program module **133**. The browser program module **133** is operable to interpret web-page files, such as HyperText Mark-up Language (HTML) files, received via the distributed network **104**. Customer devices **106A**, **106B** and **106C** may also include other application program modules, such as electronic mail (e-mail) program modules, File Transfer Protocol (FTP) program modules, other file transfer program modules, and the like, to interact with other resources offered via the distributed network **104**. Customer devices **106B** further comprises a communications port **136** for sending and receiving data. Customer device

106B further comprises peripheral devices, such as an output device [134] 135, an input device 132, or any other well known peripheral device. The output device [134] 135 may comprise a video monitor or other device operative to display at least alphanumeric characters to the customer. The output device may also comprise a printer operative to register indicia on paper or other material, thereby printing receipts. The input device 132 may comprise a keyboard, mouse, touch-screen, or microphone. Many types of input devices and output devices are known to those skilled in the art, and need not be described in detail herein.

Please **REPLACE** the first full paragraph on page 19 with the following paragraph:

The above-described product tables 122A, 122B, 122C, [and] 122D and 122E are provided by way of example only. A system in accordance with the present invention may incorporate one or more of the exemplary product tables 122A, 122B, 122C, [and] 122D and 122E, and/or variations and/or combinations thereof. Additionally, those skilled in the art will appreciate that various aspects of the invention may be practiced without the need for a products database 122.

Please **REPLACE** the first full paragraph on page 20 with the following paragraph:

The session database record 300 may further include a customer identifier. The customer identifier may comprise information that uniquely identifies a customer or a customer device. In the online embodiment of the present invention, the customer identifier may be included within a "cookie" that is assigned to a customer the first time he visits the web site of the central server 102 and deposited to the customer device as well as stored in the customer database [123] 128. Such a cookie is a block of data (e.g. a block of ASCII text) that a web server (e.g. the central server 102) stores on a customer device (e.g. a personal computer). When a customer returns to the same web site, the browser of the customer device sends a copy of the cookie back to the central controller. Cookies may be used to identify users of the customer terminal, to instruct the central controller to send a customized version of a web page, to submit account information for the user, and for other administrative purposes. In the present invention, a cookie may be used to instruct the central controller to retrieve the session record(s) associated with the cookie in order

to determine what products the customer had previously indicated interest in. Alternatively, the cookie may store one or more session identifiers associated with the customer device directly. A person of ordinary skill in the art of web site administration will understand many variations of how to track customer interest in various product over the course of a single or multiple visits (e.g. sessions). A customer identifier may be the same or different than the session identifier. For example, for purposes of tracking several sessions of a single customer, the customer may be assigned a single customer identifier the first time he visits the web-site and a unique session identifier 302 each time he visits the web-site.

Please **REPLACE** the second full paragraph on page 21 with the following paragraph:

FIG. 4 is an illustrative record 400 of the transaction database 124, as shown in FIG. 1. A transaction record 400 may be used to store transaction data relating to a completed transaction. Transaction data may be received from a customer device 106 or from a point-of-sale terminal [108] 109A, 109B, 109C. Each transaction table 400 may be identified by a unique transaction identifier 402. A transaction table 400 may also include a session identifier 302 identifying a session table 300 (see FIG. 3) from a session database 126. The transaction identifier 402 may be associated with the customer by storing it in association with a customer identifier (e.g. a “cookie” or a frequent shopper identifier) in a record of the customer database 128 (as illustrated in FIG. 5, described below).

Please **REPLACE** the first full paragraph on page 23 with the following paragraph:

FIG. 5 presents an illustrative record 550 of the customer database [123] 128 of FIG. 1. The record 550 includes a customer identifier 200 that uniquely identifies the customer to which the record pertains. As described above the customer identifier may comprise (i) a frequent shopper identifier in a physical retail environment, or (ii) at least a portion of a “cookie” that is stored on the customer’s hard-drive and transmitted to the central server 102 when the customer “loads” a Web-page of the central controller.

Please **REPLACE** the second full paragraph on page 25 with the following paragraph:

Referring now to FIG. 6B, the web-page 550 demonstrates a manner in which a package offer may be presented to a customer in accordance with another embodiment of the present invention. The web-page 500B includes essentially the same elements 502, 506, and [506] 508 as web-page 500A but package offer 504A has been substituted with package offer 504B. Package offer 504B comprises a package offer in accordance with an embodiment of the present invention wherein the customer is allowed to assemble his or her own package by selecting one product from a plurality of menus that include two or more products each (of course, in variations of this embodiment, the customer may be allowed to select more than one product from each menu). The embodiment illustrated in FIG. 6B is similar to the embodiment illustrated in FIG. 2C. Accordingly, a customer presented with package offer 504B must first select one product from menu 550 and one product from menu 552 before selecting graphic 506 in order to accept the package offer.

Please **REPLACE** the last paragraph on page 25 with the following paragraph:

FIG. 7 is a flow chart illustrating the general steps of an exemplary method 700 for presenting a package offer to a customer. The exemplary method 700 begins at starting block 701 where a customer is interacting with a retail establishment (on-line or physical) via a customer device. At step 702 a determination is made that the customer has expressed an interest in a primary product. Input signals from a customer device 106 may be interpreted by the central server 102 as an expression of interest by the customer in the primary product. Input signals from the customer device 106 may indicate that the customer has clicked on an image or hyperlink associated with a product using a mouse or other input device, that the customer has initiated a keyword search for information relating to a product, or that the customer has added a product to a virtual shopping cart. Other types of input signals will be familiar to those of ordinary skill in the art. In certain circumstances, a lack of an input signal may also be interpreted by the central server 102 as an expression of interest by the customer in a product. By way of illustration, the central server 102 may be configured to infer that a customer is interested in a particular product when the central server 102 detects that information pertaining

to the particular product has been displayed on the customer's output device [134] 135 for a predetermined length of time. Accordingly, the central server 102 may be configured to proactively monitor customer interactions with a web-site in an effort to infer that one or more input signals, or a lack thereof, indicate an expression of interest by the customer in a product. Alternatively, the central server 102 may be configured to passively await the transmission of an input signal from a customer device 106 that affirmatively indicates that the customer is interested in a product.

Please **REPLACE** the last paragraph on page 28 with the following paragraph:

At step 710 a determination is made as to whether the customer accepts the package offer. If the customer does not accept the package offer, a determination is made at step 712 as to whether another package should be assembled. The determination of whether to assemble another package may be based on many factors, such as whether any other packages make sense for the retailer (based on inventory and/or profitability considerations), whether a certain number of packages have been declined by the customer, whether the customer has indicated a desire not to be presented with further packages, etc. If a decision is made to assemble another package, the exemplary method 700 may be repeated from step 702, where another primary product that is of interest to the customer is determined. Alternately, the method [600] 700 may be repeated from step 704 in order to assemble another package based on the initial primary product. As shown, the exemplary method 700 ends at step 714 after it is determined at step 710 that the customer has accepted a package offer or after it is determined at step 712 that no further package is to be assembled. Those skilled in the art should recognize that exemplary method 700 may be repeated during a session. In other words, the customer is not required to complete all transactions and log-off or exit the retail establishment upon accepting a package offer. The customer may accept more than one package offer during a session and may complete any or all transactions at any time during the session.